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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,862	08/31/2000	Donald C. D. Chang	PD-200084	3780

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER

EWART, JAMES D

ART UNIT PAPER NUMBER

2683

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Technology Center 2600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/652,862

Filing Date: August 31, 2000

Appellant(s): CHANG ET AL.

Georgann S. Grunebach

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/10/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-23 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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5,475,520	Wissinger	12-1995
5,584,046	Martinez et al	12-1996
5,555,444	Diekelman et al	09-1996
6240072	Lo et al	05-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-22 are rejected under 35 U.S.C.103(a). This rejection is set forth in a prior Office Action, mailed on 04-21-2004.

(11) Response to Argument

Appellant argues that there is no suggestion to combine, Examiner disagrees. All three references are satellite communication systems, that use a method to locate a subscriber. As each reference is from the same field of endeavor, the combination is deemed valid.

1. Appellant further argues that there is not disclosure of scanning of a beam, examiner disagrees. Referring to Appellants arguments filed 23 March, 2004, Appellant argues that Martinez does not sequentially scan a beam, but then states "What is shown in the Martinez reference is that a beam is sequentially scanned.....". The Examiner is using the Martinez reference to show that scanning a beam is well known in the art regardless of the purpose of the scanning and it is the combination of Chang et al with Wissinger. Further, on page 2, of the specification, Applicant indicates that prior art of scanning for a subscriber is known in the art

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and states: "According to the method 100, each cell 106 within the coverage area 104 is scanned by stepping a beam 108 from a beamformer located in a stratospheric transponder platform 120 sequentially to each cell 106 until the cell containing the specific subscriber 102 is located".

Wissinger uses a beam, which includes more than one cell in an iterative manner to locate a subscriber. Thus the combination of Chang, Wissinger and Martinez teach the claimed invention.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

James D Ewart
Examiner
Art Unit 2683


December 23, 2004

Conferees


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